

ORDINANCE 81-57

To Authorize the Issuance of Economic Development Revenue Bonds, Series 1981 A for the Bloomington Plaza Company-SCOA Industries, Inc. Project, Series 1981 B for the Bloomington Plaza Company-Kroger Project, and Series 1981 C for the Bloomington Plaza Company-Phase C Project and to Approve Other Actions in Respect Thereto

WHEREAS, the Bloomington Economic Development Commission has rendered its Project Report for the Bloomington Plaza Company Project regarding the financing of proposed economic development facilities for Bloomington Plaza Company and the Bloomington Planning Commission has commented favorably thereon; and

WHEREAS, the Bloomington Economic Development Commission conducted a public hearing on May 20, 1981, and also adopted a resolution on May 20, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Bloomington Plaza Company complies with the purposes and provisions of IC 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Bloomington and its citizens; and

WHEREAS, the Bloomington Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreements, Notes, Mortgage and Indentures of Trust, Leases, Collateral Assignments of Lease, Consents to Lease Assignments, and Guaranty Agreements;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreements approved by the Bloomington Economic Development Commission and presented to this Common Council, the issuance and sale of Economic Development Revenue Bonds, Series 1981 A (Bloomington Plaza Company-SCOA Industries, Inc. Project), Series 1981 B (Bloomington Plaza Company-Kroger Project), and Series 1981 C (Bloomington Plaza Company-Phase C Project) (hereinafter referred to as the "Bonds"), the loan of the proceeds of the Bonds to Bloomington Plaza Company for the acquisition and equipping of such facilities, the payment of the Bonds by the note payments of Bloomington Plaza Company under the Loan Agreements and Notes, the securing of said Bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indentures of Trust, the leasing of said facilities to various tenants under the Leases, and the guaranty of payment of principal and interest on the Bonds by the Guarantors under the Guaranty Agreements complies with the purposes and provisions of IC 18-6-4.5 and will be of benefit to the health and welfare of the City of Bloomington and its citizens.

SECTION II. The forms of the Loan Agreements, Notes, Mortgage and Indentures of Trust, Leases, Collateral Assignments of Lease, Consents to Lease Assignments, and Guaranty Agreements approved by the Bloomington Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in IC 18-6-4.5), shall be incorporated herein by reference and shall be kept on file by the Clerk.

SECTION III. The City of Bloomington shall issue its Bonds in a total principal amount not to exceed \$6,250,000 for the purpose of procuring funds to apply on the costs of acquisition, construction and equipping of economic development facilities as more particularly set out in the Mortgage and Indentures of Trust and Loan Agreements incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from the Note payments made by Bloomington Plaza Company under the Loan Agreements and Notes or as otherwise provided in the above described Mortgage and Indentures of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the

City of Bloomington. The Series 1981 A Bonds shall be issued in a total principal amount not to exceed \$2,000,000; the Series 1981 B Bonds shall be issued in a total principal amount not to exceed \$2,750,000; and the Series 1981 C Bonds shall be issued in a total principal amount not to exceed \$1,500,000.

SECTION IV. The Mayor and Clerk are authorized and directed to sell the Bonds to the purchasers thereof at a rate or rates of interest on the Series 1981 A Bonds not to exceed 14% per annum, on the Series 1981 B Bonds not to exceed 13% per annum, and on the Series 1981 C Bonds not to exceed 60% of the prime commercial lending rate established by Merchants National Bank and Trust Company of Indianapolis at its principal office on the Bond Closing Date, and at a price on the Series A Bonds of not less than 97½% of the principal amount thereof, on the Series B Bonds of not less than 97½% of the principal amount thereof, and on the Series C Bonds of not less than 97½% of the principal amount thereof.

SECTION V. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The signatures of the Mayor and Clerk on the Bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee selected, payment for which will be made to the Trustee named in the Mortgage and Indentures of Trust and the Bonds shall be delivered by the Trustee to the purchasers thereof.

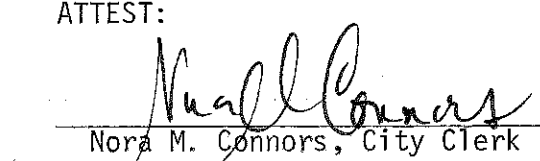
SECTION VI. The provisions of this Ordinance and the Mortgage and Indentures of Trust securing the Bonds shall constitute contracts binding between the City of Bloomington and the holder of all Series of Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Bonds or the interest thereon remains unpaid.

SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

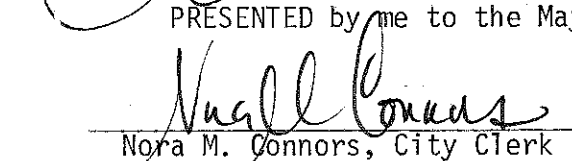
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of June, 1981.

  
Alfred I. Towell, President  
Bloomington Common Council


ATTEST:

  
Nora M. Connors, City Clerk

PRESENTED by me to the Mayor upon this 4th day of June, 1981.

  
Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 4th day of June, 1981.

  
Francis X. McCloskey, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance would authorize the City of Bloomington to issue economic development revenue bonds for Bloomington Plaza Company-SCOA Industries, for a new Krogers store and shopping center in the amount of \$6,250,000. The city has no liability for these bonds if approved.